

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GEORGE SIMPSON,)	
)	
Plaintiff)	
)	No. 3:15-0476
v.)	Judge Campbell/Bryant
)	Jury Demand
RUTHERFORD COUNTY,)	
)	
Defendant)	

TO: THE HONORABLE TODD J. CAMPBELL

REPORT AND RECOMMENDATION

On May 20, 2015, the Court granted Plaintiff's application for leave to proceed *in forma pauperis* (Docket Entry No. 11). Among other things, the Court's order forewarned Plaintiff that his prosecution of this action would be jeopardized if he failed to keep the Clerk's Office informed of his current address at all times.

It appears from the record that Plaintiff Simpson has failed to keep the Clerk's Office informed of his current address, as evidenced by multiple mailings to Plaintiff that have been returned by the post office as undeliverable (Docket Entry Nos. 58 and 59). In addition, the affidavit of Chris Deal, a Lieutenant at the Rutherford County Sheriff's Office, states that Plaintiff Simpson was released from custody on November 9, 2015, for "time served" (Docket Entry No. 52-1 at 3). Defendant states that it does not know where Plaintiff Simpson currently is residing, and that this lack of knowledge has precluded Defendant from scheduling Plaintiff's discovery deposition (*Id.*).

On December 3, 2015, the undersigned Magistrate Judge entered an order requiring Plaintiff Simpson to show cause on or before December 21, 2015, why his complaint should not be dismissed for his failure to inform the Clerk and defense counsel of his current address (Docket Entry No. 55). This order admonished Plaintiff that his failure to respond may cause the undersigned Magistrate Judge to recommend that his complaint be dismissed. The record indicates that this order, mailed by the Clerk to Plaintiff's address of record, has been returned by the post office as undeliverable (Docket Entry Nos. 58 and 59).

For the reasons stated above, the undersigned Magistrate Judge finds that Plaintiff's complaint should be dismissed for his failure to comply with the Court order requiring him to keep the Clerk and defendant informed of his current address.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that the complaint be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to comply with the Court's order requiring him to keep the Clerk informed of his current address.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed

in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTERED this 5th day of January, 2016.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge